IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 674 of 2004(E)

PETITIONER:

M.A.THANKAPPAN,
MOOSARIKUNNEL HOUSE, THELLAKOM MURI,
ETTUMANOOR, KOTTAYAM.

BY ADV. SRI.K.MANOJ CHANDRAN
SRI.P.R.AJITHKUMAR

RESPONDENTS:

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1. **THE KERALA CO-OPERATIVE TRIBUNAL,**
   THIRUVANANTHAPURAM.

2. **THE SALE OFFICER,**
   PUTHUPPALLY VILLAGE SERVICE CO-OPERATIVE BANK
   GROUP, OFFICE OF THE ASSISTANT REGISTRAR OF
   CO-OPERATIVE SOCIETIES (GENERAL), KOTTAYAM-2.

3. **THE ETTUMANOOR SERVICE CO-OPERATIVE**
   BANK LTD.NO.4069, HEAD OFFICE, ETTUMANOOR,
   KOTTAYAM, REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.C.J.JOY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH, J

W.P (C) No. 674 of 2004

Dated this the 26th day of February 2007

JUDGMENT

The writ petition is filed mainly with the following prayers.

> **"to call for the records leading to Ext.P6 order of the 1st respondent, quash the same by issuing a writ of certiorari or any other appropriate writ, order or direction;**
>
> **to call for the records leading to Ext.P5 order of the 2nd respondent, quash the same by issuing a writ of certiorari or any other appropriate writ, order or direction;**
>
> **to declare that the petitioner is not liable to pay any amount to the 3rd respondent bank towards the loan account No.100/89-90 for the period from 13-9-1989 to 12-6-1992, for the period in which the Ext.P3A cheque was lying in possession of the 3rd respondent Bank."**

On the crucial dispute regarding the grievance on liability for the period after tendering the cheque, there is no consideration in Ext.P6 order passed by the Tribunal. Therefore, this writ petition is disposed of directing the 1st respondent to consider Ext.P7 revision petition on the aspect of the liability of the petitioner and pass appropriate order with notice to petitioner and 3rd respondent, within a period of four months from the date of production of a copy of this judgment. The interim order on 8.1.2004 passed by this court will continue as such.

(KURIAN JOSEPH, JUDGE)

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